

**ALABAMA LEGAL ASSISTANCE PROGRAM  
GUIDELINES FOR THE PROVISION OF LEGAL SERVICES**

# **ALABAMA LEGAL ASSISTANCE PROGRAM GUIDELINES**



**Effective January 1, 2008**

**ALABAMA LEGAL ASSISTANCE PROGRAM  
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**TABLE OF CONTENTS**

I. INTRODUCTION .....	4
II. LEGAL AUTHORITY.....	4
III. DEFINITIONS .....	4
IV. MISSION AND PURPOSE .....	9
V. THE TARGET POPULATIONS.....	10
Means Testing Prohibition.....	11
VI. PRIORITY ISSUE AREAS.....	11
Limitation on Last Wills and Testaments.....	13
VII. MECHANISMS FOR REACHING TARGETED GROUPS AND ADDRESSING PRIORITY ISSUES.....	13
1. Accessibility .....	14
2. Outreach .....	14
3. Community Legal Education.....	15
VIII. PARTNERSHIPS AND COLLABORATIONS FOR MAXIMUM IMPACT FROM LIMITED RESOURCES AND EXPANDING RESOURCES.....	15
IX. ROLES AND RESPONSIBILITIES.....	16
1. Legal Assistance Provider .....	16
2. Area Agency on Aging .....	18
3. State Legal Services Developer .....	20
4. Elder Law Helpline .....	22

# **ALABAMA LEGAL ASSISTANCE PROGRAM GUIDELINES FOR THE PROVISION OF LEGAL SERVICES**

## **I. INTRODUCTION:**

Legal problems facing Alabama's elderly population are often more critical than those problems facing any other segment of our population. The elderly in poverty are less likely to seek the assistance of an attorney. Often, it is either because they do not have cash resources to pay for services or they do not realize that they have a "legal problem."

The overall educational level of many seniors is low, especially in the older age groups, making it difficult for them to understand letters regarding benefits termination or changes and outlining their due process rights to appeal. The Older Americans Act of 1965 (hereafter, OAA) as amended, which primarily funds the Legal Assistance Program, requires that states have the capacity to improve the quality and quantity of legal programs for older individuals. The Legal Assistance Program Guidelines are meant to provide guidance to providers in the area of priority casework, coordination and collaboration to ensure cohesiveness and uniformity throughout the state's Legal Assistance Programs. Additionally, Congress mandates that states improve the quality of their Title III B legal programs. One proven way to ensure a quality program is to have in place operating guidelines to define expectations for not only the Legal Assistance Program provider, but for the State Unit on Aging and the Area Agencies on Aging as well.

These Legal Assistance Program Guidelines will be amended from time to time to reflect the change in the legal needs of older Alabamians as well as the mandate under the Older Americans Act, Alabama Department of Senior Services policy and other governing state and federal laws and regulations.

## **II. LEGAL AUTHORITY**

The Older Americans Act (OAA) of 1965 as amended, designates Legal Assistance as a priority service funded under Title IIIB [42 U.S.C. Section 306(a)(2)]. As such, the funding of legal assistance by each Area Agency on Aging (AAA) is mandatory, and services shall be accessible and available throughout each of the 13 planning and service areas in Alabama.

## **III. DEFINITIONS**

(As referenced in the Older Americans Act except where otherwise indicated)

**ALABAMA LEGAL ASSISTANCE PROGRAM  
GUIDELINES FOR THE PROVISION OF LEGAL SERVICES**

**Abuse—**

The willful infliction of injury, unreasonable confinement, intimidation, or cruel punishment with resulting physical harm, pain, or mental anguish; or deprivation by a person, including a caregiver (as defined below), of goods or services that are necessary to avoid physical harm, mental anguish or mental illness.

**Advice (legal)—**

An informed opinion and the suggestion of possible courses of legal action that may be taken to remedy an identified legal problem; or clarification of rights under the law. (AL)

**Aging Network—**

In Alabama, the network of the Alabama Department of Senior Services, Area Agencies on Aging, Title VI grantees, and the Administration on Aging; and organizations that are providers of direct services to older individuals and receive funding under the OAA. (adapted from OAA)

**Area Agency on Aging—**

A planning and service area designated by the Alabama Department of Senior Services in accordance with the Older Americans Act. (adapted from OAA)

**Caregiver—**

As used in the definitions of abuse, exploitation and neglect, means an individual who has the responsibility for the care of an older individual, either voluntarily, by contract, by receipt of payment for care, or as a result of the operation of law and means a family member or other individual who provides (on behalf of such individual or of a public or private agency, organization, or institution) compensated or uncompensated care to an older individual.

**Client—**

An older individual (as defined) who utilizes the services of an attorney to appear for him/her in court or administrative proceedings, draft legal documents for him/her, advise, assist and defend him/her in legal proceedings, or to act for him/her in any legal business. (AL)

**Disabled—**

An older individual (as defined) who has a physical or mental impairment, or combination of physical or mental impairments, that results in substantial function limitations in one or more of the following areas of major life activity: self-care; receptive and expressive language; learning;

**ALABAMA LEGAL ASSISTANCE PROGRAM  
GUIDELINES FOR THE PROVISION OF LEGAL SERVICES**

mobility; self-direction; capacity for independent living; economic self-sufficiency; cognitive functioning; and emotional adjustment. Such impairments' impact must also be permanent or long-term. (Adapted from OAA)

**Education (legal)—**

Information to educate older persons specifically about their rights, some aspect(s) of the legal system, or alternative courses of legal action. (AL)

**Elder Abuse—**

Abuse of an individual sixty (60) years of age or older.

**Elder Justice—**

- (a) Used with respect to older individuals, collectively, means efforts to prevent, detect, treat, intervene in, and respond to elder abuse, neglect, and exploitation, and to protect older individuals with diminished capacity while maximizing their autonomy; and
- (b) Used with respect to an individual who is an older individual, means the recognition of the older individual's rights, including the right to be free of abuse, neglect, and exploitation.

**Exploitation—**

The fraudulent or otherwise illegal, unauthorized, or improper act or process of an individual, including a caregiver (as defined above) or fiduciary, that uses the resources of an older individual for monetary or personal benefit, profit, or gain, or that results in depriving an older individual of rightful access to, or use of, benefits, resources, belongings, or assets.

**Family Caregiver—**

An adult family member, or another individual, who is an informal provider of in-home and community care to an older individual. (Adapted from OAA)

**Fee-generating—**

Any case which reasonably may be expected to result in a fee for legal services from an award to a client from public funds or the opposing party with several limited exceptions. (Adapted from OAA)

**Frail—**

An individual who is determined to be functionally impaired because the individual is unable to perform at least two activities of daily living without substantial human assistance, including verbal reminding, physical cueing, or supervision; or due to a cognitive or other mental impairment, requires

**ALABAMA LEGAL ASSISTANCE PROGRAM  
GUIDELINES FOR THE PROVISION OF LEGAL SERVICES**

substantial supervision because the individual behaves in a manner that poses a serious health or safety hazard to the individual or to another individual.

**Greatest Economic Need—**

The need resulting from an income level at or below the poverty line.

**Greatest Social Need—**

The need caused by noneconomic factors, which include: physical and mental disabilities; language barriers; and cultural, social, or geographical isolation, including isolation caused by racial or ethnic status, that restricts the ability of an individual to perform normal daily tasks; or threatens the capacity of the individual to live independently.

**Homebound—**

Normally unable to leave the home unassisted. To be homebound means leaving home takes considerable and taxing effort. (AL)

**Illiterate—**

One who cannot read or write. (AL)

**Information & Referral (legal)—**

Information provided to an individual who cannot be assisted with the desired course of action that will lead the individual to the next most appropriate resource which offers opportunities, and services to meet their need. (AL)

**Isolation—**

A low level of contact with family, friends, neighbors, community and social sources, which can be caused by geographic, physical, economic, personal and social barriers. (AL)

**Legal Assistance—**

Legal advice and representation provided by an attorney to older individuals with economic or social needs; and includes to the extent feasible, counseling or other appropriate assistance by a paralegal or law student under the direct supervision of an attorney; and counseling or representation by a nonlawyer where permitted by law.

**Legal Representation—**

The higher level of direct assistance to a client that surpasses advice and referral provided to achieve a solution to the legal problem; it may include research, negotiation, preparation of legal documents, correspondence, appearance at administrative hearings or in courts of law

**ALABAMA LEGAL ASSISTANCE PROGRAM  
GUIDELINES FOR THE PROVISION OF LEGAL SERVICES**

and legal appeals. (AL)

**Legal Representative—**

An individual with the legal authority to stand in place of, and represent the interests of, another individual. A person who has the legal authority to oversee the legal affairs of another. (AL)

**Limited English Proficiency—**

An individual whose native language is a language other than English or who comes from an environment where a language other than English has had a significant impact on the individual's level of English language proficiency and whose difficulties in speaking, reading, writing or understanding the English language may be sufficient to deny the individual the opportunity to participate fully in society. (AL)

**Long Term Care Facility—**

Any skilled nursing facility as defined in the Social Security Act (42 U.S.C. 1395i-3(a)) or any nursing facility as defined in the Social Security Act (42 U.S.C. 1396r(a)); a board and care facility (personal care home); and any other adult care home, including an assisted living facility, similar to one of these facilities or institutions.

**Low education—**

A person who has completed education from kindergarten through grades 5 or 6. (AL)

**Low-Income—**

Income below 300% of the Federal Poverty Level. (AL)

**Low literacy—**

A person with some ability to read and write, but not enough for daily practical needs. (AL)

**Minority—**

A person who is a member of an identifiable and specially disadvantaged group. (AL)

**Neglect—**

The failure of a caregiver (as defined above) or fiduciary to provide the goods or services that are necessary to maintain the health or safety of an older individual; or self neglect.

**Older Individual—**

An individual who is 60 years of age or older.

**ALABAMA LEGAL ASSISTANCE PROGRAM  
GUIDELINES FOR THE PROVISION OF LEGAL SERVICES**

**Personal Representative—**

One who represents another individual in a special capacity. A person who manages the affairs of another individual due to the individual's incapacity or death. (AL)

**Planning and Service Area (PSA)—**

An area designated by the Alabama Department of Senior Services through which an area agency on aging administers the OAA funds. (Adapted from OAA)

**Poverty Line—**

The term "poverty line" means the official poverty line (as defined by the Office of Management and Budget, and adjusted by the Secretary in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)).

**Rural—**

All areas not classified by the U.S. Census Bureau as urban are defined as rural and generally include places of less than 2,500 persons. (AL)

**Self-neglect—**

An adult's inability, due to physical or mental impairment or diminished capacity, to perform essential self care tasks including: obtaining essential food, clothing, shelter and medical care; obtaining goods and services necessary to maintain physical health, mental health or general safety; or managing one's financial affairs.

**State Unit on Aging—**

The agency designated by a State to serve as the sole State agency to develop a state plan; administer the state plan, take responsibility for the planning, policy development, administration, coordination, priority setting and evaluation of all State activities related to the objectives of the OAA; to serve as an effective and visible advocate for older individuals by reviewing and commenting upon all State plans, budgets, and policies which affect older individuals and providing technical assistance to any agency, organization, association, or individual representing the needs of older individuals; and dividing the State into distinct planning and service areas.

**Unit of Service (Legal Education)—**

The total number of minutes contributed toward legal education. This includes the total number of minutes spent on the following activities: researching; traveling; preparation of materials; completing



## **ALABAMA LEGAL ASSISTANCE PROGRAM GUIDELINES FOR THE PROVISION OF LEGAL SERVICES**

paperwork/forms for reporting purposes; and delivery of legal education.  
(AL)

Unit of Service (Legal Advice and Representation)—

The total number of minutes contributed toward legal advice and representation. This includes the total number of minutes spent on the following activities: counseling; research; advocating; negotiation, preparation of legal documents and correspondence; completing paperwork/forms for reporting purposes; and appearances at administrative hearings or in courts of law and legal appeals. (AL)

### **IV. MISSION AND PURPOSE**

The Alabama Guidelines for the Provision of Legal Services have been developed in response to a need on the part of providers of legal assistance, Area Agency on Aging personnel, and State agency staff for guidance and assistance on a variety of topics related to the development and provision of Title III funded legal assistance in Alabama. These programs are designed to assist programs in their growth and in meeting the minimum requirements for providing legal assistance to older Alabamians. There is built into these Guidelines enough latitude to foster creativity for individual programs to achieve the maximum effect of the program for seniors receiving services in each AAA. Also built into these Guidelines is the guiding principle that the Alabama legal assistance program is not a legal program for all older persons at all times for all issues, rather it is a targeted approach to ensure that those seniors who are the most vulnerable and who are at risk of losing their autonomy, dignity or independence have access to critical legal assistance. To accomplish these goals, these Guidelines can only be successful if the providers of legal assistance, Area Agency on Aging personnel and State agency staff work together.

The broad purposes of the legal assistance program in Alabama are:

- To protect the autonomy, dignity and independence of vulnerable older persons.
- To focus outreach and services particularly directed toward the most socially or economically needy older persons—those least able to advocate on their own behalf—to assist them to:
  - understand their rights;
  - exercise choice;
  - benefit from services, opportunities and entitlements;
  - meet essential needs of income, shelter, health care and nutrition; and
  - maintain rights promised and protected by law.

## **ALABAMA LEGAL ASSISTANCE PROGRAM GUIDELINES FOR THE PROVISION OF LEGAL SERVICES**

- Assist Area Agencies on Aging in developing and maximizing resources including new or additional resources to meet the legal needs of vulnerable older persons.
- To foster cost-effective, high quality services, having maximum impact on the neediest older persons and their most critical legal needs, and which are integrated in the Aging Services Network.
- To assist vulnerable older persons in preventing legal problems through education and outreach.
- To be accessible in each county throughout each planning and service area.

### **V. THE TARGET POPULATIONS**

Recognizing that the resources of the OAA are inadequate to meet the legal needs of all elders, legal assistance services must be targeted to particularly needy populations of elders. The OAA specifies particularly needy elders, with particular emphasis on older persons who are low-income, low-income minorities, persons with limited English proficiency, and persons residing in rural areas.

The Area Agencies and legal assistance providers shall, in consultation with the Legal Services Developer, jointly develop plans to target legal assistance services to the particularly needy persons described below.

Older persons who shall receive priority for legal assistance services include:

- Institutionalized (such as the developmentally disabled, mentally ill, and those in long-term care facilities)
- De-institutionalized mentally ill or developmentally disabled
- At risk of institutionalization
- Low education
- Frail
- Isolated
- Homebound
- Illiterate/Low Literacy
- Disabled
- Minority
- Poverty or Low Income
- Limited English proficient

Consideration may be given on the local level to the existence and availability of

**ALABAMA LEGAL ASSISTANCE PROGRAM  
GUIDELINES FOR THE PROVISION OF LEGAL SERVICES**

other resources to meet the legal needs of targeted populations. This target listing is not exhaustive, or in a mandatory priority order but represents a range of possibilities.

**MEANS TESTING PROHIBITION:  
UNDER NO CIRCUMSTANCES SHALL A PERSON 60 YEARS OF AGE OR OLDER BE  
DENIED LEGAL SERVICES ON THE BASIS  
OF HIS OR HER INCOME OR ASSETS**

## **VI. PRIORITY ISSUE AREAS**

As legal assistance services are targeted to the most vulnerable seniors, identifying priority issue areas becomes paramount. This list of priorities is not exhaustive, or in a mandatory priority order but represents a range of possibilities. Providers should use their professional judgment when considering a client's individual circumstances, the merits of each case, and the likelihood of success. Consideration can be given on the local level to the existence and availability of others resources to meet the legal needs of targeted populations.

Given the prohibitions in the OAA against means testing, one effective method to achieve targeting services to the most needy is to establish particular legal issues that need to receive priority in "marketing" and delivering services in order to meet the most essential legal needs of the target population.

As specified by the Older Americans Act of 1965 as amended, Area Agencies and providers shall assure that legal assistance is available for:

- Income
- Health care
- Long-term care
- Nutrition
- Housing and utilities
- Defense of Guardianship
- Abuse, neglect and exploitation
- Age Discrimination

The Alabama Department of Senior Services, the Area Agencies on Aging and the Legal Assistance Providers have identified the following issue areas as most critical to meeting the needs of the target populations and, therefore, shall be priority issue areas as well as the mandated issue areas described above.

**ALABAMA LEGAL ASSISTANCE PROGRAM  
GUIDELINES FOR THE PROVISION OF LEGAL SERVICES**

**INCOME/NUTRITION/BENEFITS**

Social Security (Title II)—limited representation  
SSI (Title XVI)—limited representation  
Food Stamps

**HEALTH/LONG-TERM CARE**

Medicaid  
Medicare  
Other Health Insurance  
Advance Directives for Healthcare  
End-of-life issues

**HOUSING/UTILITIES**

Homeownership  
Utility Shut offs/Energy Issues

**GUARDIANSHIP/ABUSE/NEGLECT**

Defense of Guardianship  
Elder Abuse, Neglect and Exploitation  
Nursing Home (Personal Care, Home Quality of Care  
& Residents' Rights Issues)

**INDIVIDUAL RIGHTS**

Age Discrimination: credit and housing  
— for employment, assistance should be limited to assisting  
an older person in recognizing an issue appropriate for the  
Equal Employment Opportunity Commission and/or a  
private attorney to avoid fee-generating cases

Americans with Disabilities Act: housing, services and long term  
care issues

— for employment, assistance should be limited to assisting  
an older person in recognizing an issue appropriate for the  
Equal Employment Opportunity Commission and/or a  
private attorney to avoid fee-generating cases

**CONSUMER ISSUES**

**POWERS OF ATTORNEY**

**ALABAMA LEGAL ASSISTANCE PROGRAM  
GUIDELINES FOR THE PROVISION OF LEGAL SERVICES**

***\*\*Note: Regarding Last Wills and Testaments—***

*Legal assistance providers should not have more than one-fifth of their annual case totals reflecting the preparation of simple wills unless they can demonstrate that the need for assistance in the above priority areas is being adequately met through other sources and pro bono or reduced fee attorneys are unavailable to provide wills.*

Pursuant to the OAA regulations (45 CFR 1321.71(g)), a fee-generating case may not be accepted by a Legal Assistance provider unless there is an emergency requiring immediate action. A fee-generating case means any case which reasonably may be expected to result in a fee for legal services from an award to a client from public funds or the opposing party with several limited exceptions.

Where a client and the legal issue are in different planning and service areas, the residence of the client controls which legal assistance provider serves the client.

## **VII. MECHANISMS FOR REACHING TARGETED GROUPS AND ADDRESSING PRIORITY ISSUES**

Targeting is a commitment to serving those elders most in need. Priority setting follows identification of target population groups, and is simply the identification of the types of cases/problems that are of greatest significance to the target populations.

Outreach is the key to implementing the targeting and priority setting goals. Outreach in its broadest sense involves a variety of strategies. "First-come-first-served" is the result of unfocused outreach. Almost by definition, the most vulnerable older persons are the most difficult to reach and serve. Only focused outreach will achieve the goal of reaching the most vulnerable elders. Effective focused outreach is a result of joint planning by the Area Agency on Aging, the Legal Services Developer and the Legal Assistance Provider.

No program, no matter how well-suited to a community, will not be successful if people do not know of its existence, if it is not easily accessible, and if people do not recognize the legal nature of their problems. At the same time, however, it is imperative that members of the legal profession be diligent in avoiding the appearance of soliciting clients. Inform people of what their rights are and

**ALABAMA LEGAL ASSISTANCE PROGRAM  
GUIDELINES FOR THE PROVISION OF LEGAL SERVICES**

explain how they can exercise those rights and let them know of all of the options for those who can provide assistance in helping them to exercise those rights. From there, allow people to request assistance.

In providing full use of the legal system, the system for the delivery of legal assistance must include each of the following:

**1. Accessibility—**

Legal assistance services, as defined in these Guidelines, are to be available and accessible to the target population groups identified by the Area Agency on Aging and the legal assistance provider, as specified in the Title III B grant application of the provider. These services are to be available and accessible to the target population groups throughout the specific planning and service area.

**2. Outreach—**

- Go where the targeted populations are and develop relationships for secondary referrals from groups which serve the targeted populations. As the face of the aging population changes, revisiting plans will be crucial in order to ensure effective outreach to the most vulnerable populations.

Possible secondary referral resources include:

- Churches
  - School counselors
  - Ethnic support groups
  - Low-end grocery stores
  - Adult Protective Services
  - Physicians
  - Public Housing Authority/Section 8
  - Mental health facilities
  - Literacy councils
  - Community action agencies
  - Cooperative extension service
  - Grandparent support groups
  - Rural electric co-ops
  - Postal carriers
  - Senior Centers that are truly focal points for the community
- Build on/learn from Administration on Aging's special integration grants through the SMP (Senior Medicare Patrol)
  - In-service training for Area Agency staff and aging network groups

## **ALABAMA LEGAL ASSISTANCE PROGRAM GUIDELINES FOR THE PROVISION OF LEGAL SERVICES**

### **3. Community Legal Education**

Informing older persons of their legal rights in community education forums is a service that is essential for legal assistance programs to provide. Community education is a method of preventing greater legal problems by equipping older persons with knowledge that will help them avoid costlier legal problems later. Additionally, community legal education also is a method for older persons to identify that an issue is indeed a legal issue which must be addressed.

- Community legal education shall be presented to the target groups.
- Topics shall reflect the priority issues outlined above in the Guidelines.

## **VIII. PARTNERSHIPS AND COLLABORATIONS FOR MAXIMUM IMPACT FROM LIMITED RESOURCES AND EXPANDING RESOURCES**

Limited resources are a reality and the Legal Assistance Program can not be all things to all people. Effort must be made to make maximum use of all potential resources. New partnerships and collaborations must be sought in order to develop new avenues for legal assistance.

Some potential partnerships and collaborations include:

- Elder Law Helpline
- Legal Service Corporation Programs (Legal Services Alabama)
- Local Bar associations
- Christian Bar groups
- Women attorney groups
- Law schools and law school clinics
- Minority Bar groups
- Large law firms
- Corporate law offices
- Public defenders
- Attorney General/District Attorneys
- Courts
- Aging Disability Resource Centers
- Foundations
- IOLTA
- Joint trainings/sharing expertise with other organizations

**ALABAMA LEGAL ASSISTANCE PROGRAM  
GUIDELINES FOR THE PROVISION OF LEGAL SERVICES**

**IX. ROLES AND RESPONSIBILITIES**

In keeping with the mission outlined in Section IV, the goal of these standards is to assure that the Legal Services Developer and the respective Area Agencies on Aging and Legal Assistance Providers are working together to assure the delivery of high quality services designed to address the unmet legal needs of vulnerable older persons throughout Alabama. To that end, set forth below are roles and responsibilities of the parties.

**1. Legal Assistance Provider**

- Comply with the Rules of Professional Conduct of the Alabama State Bar.
- Provide at no cost to clients, access to attorneys with the capacity to provide advice and representation in the areas outlined in Section VI.
- All attorneys must be licensed to practice law in the State of Alabama and must carry malpractice insurance.
- All legal staff, other than licensed attorneys, operating within the Title III legal assistance program must do so under the direct and regular supervision of a licensed attorney identified and operating under an approved Area Plan for legal assistance. Where more than one attorney has responsibility for service provision under the program, a lead resource attorney must be identified.
- Work closely with the Area Agency on Aging on the development of the planning and service area's annual AAA Elder Rights plan.
- Adhere to the guidelines set forth in this document and any amendments thereto.
- Work with the Legal Services Developer and the respective Area Agency on Aging to develop a method for surveying client satisfaction. Such method shall respect the client's right to confidentiality.
- Assist the Legal Services Developer and the respective Area Agency on Aging in developing and amending as necessary a monitoring instrument. Such method shall respect the client's right to confidentiality.
- At a minimum, provide effective, high quality administrative and judicial representation for eligible individuals in the priority issue areas set forth in



**ALABAMA LEGAL ASSISTANCE PROGRAM  
GUIDELINES FOR THE PROVISION OF LEGAL SERVICES**

Section VI. of these guidelines.

- Use Title III B funds or other funds as contracted from the Area Agency on Aging to maintain or increase, to the extent practicable, the level of legal assistance furnished to eligible individuals, and shall not use Title IIIB funds to supplant funds from other federal or non-federal sources.
- Give clients a voluntary opportunity to contribute to the cost of the services they receive and ensure privacy with respect to the client. Clients are to be informed of the opportunity to contribute only after services have been completed; and the method of announcing the opportunity to contribute shall not discourage the utilization of the service by the contributor or other potentially eligible individuals.
- Not subcontract any interest or obligation arising under a Title III B contract without written agreement of the Area Agency on Aging and notice to the State Legal Services Developer.
- Have reasonable access to the following for all appropriate staff: relevant U.S.C.A. and CFRs, local laws and regulations, state law, regulations and rules; manuals for relevant government programs, relevant support center manuals, newsletters, information and referral manuals, and a law library.
- Have the capacity to provide legal assistance in the principal language spoken by clients in areas where a significant number of clients do not speak English as their principal language in accordance with the OAA.
- Provide complete, accurate AIMS programmatic and fiscal reports and other required program data to the Area Agency on Aging and the Legal Services Developer in a timely manner and provide additional information as may be requested by the Area Agency on Aging and the State Legal Services Developer, while maintaining client confidentiality.
- Providers of legal assistance shall provide advice and representation to clients of the Long-Term Care Ombudsman Program who are 60 years of age or older.
- Providers shall coordinate with Long-Term Care Ombudsman while maintaining client confidentiality with both programs.
- Providers shall develop a coordination of services plan with the local Legal Services Corporation Program (Legal Services Alabama) if the provider is not a LSC funded program as required under the OAA.

**ALABAMA LEGAL ASSISTANCE PROGRAM  
GUIDELINES FOR THE PROVISION OF LEGAL SERVICES**

- Providers shall be prepared to accept referrals from the Elder Law Helpline as called upon and where appropriate.
- Providers, in cooperation with the Legal Services Developer, shall attempt to involve the private bar in legal assistance activities, including groups within the private bar furnishing services to older individuals on a pro bono or reduced fee basis. Every provider, in cooperation with the Legal Services Developer, should develop a pro bono and/or reduced fee referral list to be used by their program and should develop a general referral list of attorneys in their planning and service area to make available to persons who are not accepted for representation and/or assistance by the provider.
- Provider, in cooperation with the Legal Services Developer, shall develop and follow a protocol and a program policy for referral of fee generating cases pursuant to the OAA. Pursuant to the OAA regulations (45 CFR 1321.71(g)), a fee-generating case may not be accepted by a Legal Assistance provider. This means any case which reasonably may be expected to result in a fee for legal services from an award to a client from public funds or the opposing party with several limited exceptions.
- Providers shall develop and submit for approval from the Legal Services Developer a program policy on conflicts of interest. Such policy at a minimum, shall include provisions for identifying and resolving conflicts for employment and other activity outside the Title III B program, and shall extend to all persons employed part-time or providing services on a volunteer basis.
- Providers shall supply clients with a mechanism for filing complaints or grievances about the operation of the program.
- To the extent practical, any document preparation, execution or extended representation shall be conducted in person with the client.

**2. Area Agency on Aging Roles and Responsibilities**

Pursuant to the Older Americans Act, Area Agencies on Aging will work with the legal assistance providers and the legal services developer to provide leadership relative to aging issues in their respective planning and service areas. This leadership shall extend to overall planning, advocacy, coordination of services, interagency linkages, information sharing, brokering, monitoring, evaluation and support to assure the integration of legal assistance services into the rest of the area's aging network and to assure that the focus of legal assistance services is

## **ALABAMA LEGAL ASSISTANCE PROGRAM GUIDELINES FOR THE PROVISION OF LEGAL SERVICES**

directed to reaching and serving the target populations and in the priority issue areas identified in these Guidelines.

With respect to legal assistance, each Area Agency on Aging shall:

- Adhere to the Guidelines set forth in this document.
- Select the legal assistance provider(s) best able to demonstrate the experience and capacity to meet the requirements of federal and state law and regulations as well as these Guidelines.
- Assure that legal programs are funded in accordance with federal and state requirements and are funded at a level adequate to implement these Guidelines, and that legal assistance services are available throughout the planning and service area.
- Work cooperatively with legal providers in their development of local program plans to assure that the primary focus of the Legal Assistance provider is the direct representation of clients in legal matters identified as priority issue areas in Section VI of the Guidelines, and that clients are comprised largely of older persons in the Target Populations identified in Section V of these Guidelines.
- Work cooperatively with the Legal Services Developer and Legal Assistance Providers to develop plans and strategies for reaching and serving the target populations and to assist in conducting outreach to them.
- Work cooperatively with the Legal Services Developer and legal assistance providers to develop a method for surveying client satisfaction while maintaining client confidentiality.
- Work cooperatively with the Legal Services Developer and Legal Assistance Providers in developing and maintaining a program monitoring instrument and in monitoring legal assistance providers on a regular basis while maintaining client confidentiality.
- Work cooperatively with the Legal Services Developer in developing a sample Request For Proposals (RFP) for legal assistance for use and adaptation by AAAs throughout Alabama.
- Work with the Legal Services Developer to assure that Legal Assistance Providers have a system in place to allow clients to file complaints or grievances about the operation of the Legal Assistance program.

**ALABAMA LEGAL ASSISTANCE PROGRAM  
GUIDELINES FOR THE PROVISION OF LEGAL SERVICES**

- Assure that competition for Title III B funds will be available only to programs which operate in accordance with the Rules of Professional Conduct and subsequent written opinions of the Alabama State Bar.
- Work with the Legal Services Developer to review provider program policies and protocols for referral of fee-generating cases and conflicts of interest.
- Set no requirements for program income/contributions and assure that the provider has in place a policy and procedure for program income/contributions that complies with Section 315(b) of the Older Americans Act, including the requirement that all collected contributions are used to expand the Legal Assistance services for which they were given and that they supplement (not supplant) Title IIIB funds.
- Work cooperatively with the Legal Services Developer and Legal Assistance Providers in building the partnerships and collaboration called for in Section VIII of these Guidelines to make maximum use of limited resources and to expand the availability of resources for legal assistance services. An important role for Area Agencies in this coordination is to provide information about local aging programs and services and to increase awareness about the legal needs of target groups in their area.
- Support the legal assistance programs by obtaining input on the training and support needs of providers and legal assistance clients, and work with the Legal Services Developer to assure that Legal Assistance Providers are able to take advantage of relevant training opportunities.

**3. State Legal Services Developer**

In accordance with Title VII of the Older Americans Act, the Alabama Department of Senior Services shall ensure through its Legal Services Developer and other personnel --

- State leadership in securing and maintaining the legal rights of older individuals;
- State capacity for coordinating the provision of legal assistance;
- State capacity to provide technical assistance, training, and other supportive functions to Area Agencies on Aging, legal assistance providers, ombudsmen, and other persons, as appropriate;
- State capacity to promote financial management services to older individuals at risk of conservatorship;

**ALABAMA LEGAL ASSISTANCE PROGRAM  
GUIDELINES FOR THE PROVISION OF LEGAL SERVICES**

- State capacity to assist older individuals in understanding their rights, exercising choices, benefiting from services and opportunities authorized by law, and maintaining the rights of older individuals at risk of guardianship;
- State capacity to improve the quality and quantity of legal services provided to older individuals;
- Technical assistance, training and supportive functions to Area Agencies on Aging, legal assistance providers, ombudsmen and other appropriate persons; and
- The capacity to improve the quality and quantity of legal assistance to older individuals in the state.

***The Roles and Responsibilities of the Legal Services Developer include:***

- The Legal Services Developer shall develop working relationships, as necessary, with relevant state and federal agencies with respect to the legal needs of older individuals in order to better coordinate legal services available to the elderly.
- In conjunction with the Area Agencies on Aging and the Legal Assistance Providers, the Legal Services Developer shall develop a monitoring tool. The monitoring system shall be designed in such a way as to protect the confidential nature of the assistance provided to clients as well as client identities.
- The Developer, in cooperation with the Area Agencies on Aging and Legal Assistance Providers, shall work to assure that Title III B funds or other funds as contracted through the Area Agency on Aging are used to maintain or increase, to the extent practicable, the level of legal assistance furnished to eligible individuals, and to assure that Title III B funds are not used to supplant funds from other federal or non-federal sources.
- The Developer shall periodically provide for education and training of aging network professionals concerning the operation and responsibilities of Legal Assistance Providers.
- The Developer shall work with Legal Assistance Providers and Area Agencies on Aging to arrange low or no cost legal training as needed.
- The Legal Services Developer will work with Area Agencies on Aging and Legal Assistance Providers to revise the current reporting system.
- The State Legal Services Developer shall work with Area Agencies on

## **ALABAMA LEGAL ASSISTANCE PROGRAM GUIDELINES FOR THE PROVISION OF LEGAL SERVICES**

Aging to develop a sample Request for Proposals for adaptation to each area.

- The State Legal Services Developer shall work with Area Agencies on Aging and Legal Assistance Providers to develop a grievance procedure.
- The Legal Services Developer shall supply each Legal Assistance Provider with technical assistance and guidance as may be necessary or requested by the Area Agency or Legal Assistance Provider.
- The Legal Services Developer shall periodically review and update these Guidelines, with input from the Area Agencies and Legal Assistance Providers, and shall provide training on the application of the Guidelines to Area Agencies and Legal Assistance Providers.
- In cooperation with Area Agencies on Aging and legal assistance providers, the Legal Services Developer will assist in coordinating Title IIIB and Elder Law Helpline resources.

### **4. Elder Law Helpline**

- Comply with the Rules of Professional Conduct of the Alabama State Bar.
- All attorneys must be licensed to practice law in the State of Alabama and must carry malpractice insurance.
- All legal staff, other than licensed attorneys, operating within the Elder Law Helpline must do so under the direct and regular supervision of a licensed attorney. Where more than one attorney has responsibility for service provision under the Helpline, a lead resource attorney must be identified.
- Work closely with the Legal Services Developer on the development of the Helpline's annual service and outreach plan.
- Adhere to the guidelines set forth in this document and any amendments thereto.
- Work with the Legal Services Developer to develop a method for surveying client satisfaction. Such method shall respect the client's right to confidentiality.
- Assist the Legal Services Developer in developing and amending as

**ALABAMA LEGAL ASSISTANCE PROGRAM  
GUIDELINES FOR THE PROVISION OF LEGAL SERVICES**

necessary a monitoring instrument. Such method shall respect the client's right to confidentiality.

- Use Title III B funds or other funds as contracted from the Alabama Department of Senior Services to maintain or increase, to the extent practicable, the level of legal assistance furnished to eligible individuals, and shall not use Title IIIB funds to supplant funds from other federal or non-federal sources.
- Have reasonable access to the following for all appropriate staff: relevant U.S.C.A. and CFRs, local laws and regulations, state law, regulations and rules; manuals for relevant government programs, relevant support center manuals, newsletters, information and referral manuals, and a law library.
- Provide complete, accurate AIMS programmatic and fiscal reports and other required program data to the Legal Services Developer in a timely manner and provide additional information as may be requested by the State Legal Services Developer, while maintaining client confidentiality.
- Provide referrals to Title III B Legal Assistance Providers or other referral resources such as a Legal Services Corporation, Volunteer Lawyers Program or Pro Bono programs as called upon and where appropriate.
- Supply clients with a mechanism for filing complaints or grievances about the operation of the program.
- Work with the Legal Services Developer, Area Agencies on Aging and legal assistance providers in the coordination of Title IIIB and Elder Law Helpline resources.
- Provide brief legal services to callers who qualify for legal assistance under the Legal Assistance program.